
The Code of Hammurabi

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This lesson plan is one developed for use in sophomore World History. One of the major themes that we pursue throughout the year-long course is the role of rule-by-law in a "civilized" society. To that end the students are periodically assigned to examine key documents in the development of written law throughout western history.

One of the first such assignments focuses upon the Code of Hammurabi. We begin our study of world history in the fertile crescent and ancient Babylonia with emphasis upon the shared responsibility of archaeologists and historians for reconstructing the societies that flourished there over hundreds of years. Each class is broken into groups of four students after a brief reading assignment and discussion of background information about Hammurabi and Babylon. (This usually takes place during the third week of the semester after I have familiarized myself with the students to insure a reasonable distribution of talent, etc.) Materials are distributed to each group--copies of excerpts from the Code and the assignment sheet/introductory information--and the class briefly discusses the introductory material and any questions about who Hammurabi was and what his motives were in having the Code compiled.

Students are informed that as historians they must use all available sources of information to learn about the lives of people living in ancient Babylon. Therefore, the assignment is to analyze the Code of Hammurabi for evidence beyond the surface (i.e. to use the individual statutes as "windows" into the society that existed in that part of Asia Minor at that time). To make the task more manageable each group works together to analyze the document and only certain types of information will be demanded from the students.

After each group has had time to complete their analysis (the remainder of the first class period in which each group breaks down the task with each member responsible for finding evidence on certain issues and a second class period to share their findings with the rest of their group), each member will write a paper explaining their overall conclusions and providing evidence from the Code to support their conclusions. These papers must go through at least one draft that can be shared with other members of the group and critiqued by them prior to the writing of the final draft.

It is strongly suggested to the students that they use the numbers of the laws as a system for collecting research data (i.e. list the numbers of all laws that pertain to question number one on the assignment sheet, etc., and use those numbers to reference their evidence in support of the conclusions provided in their papers, providing some experience with the techniques of historical research and the necessity for documentation of one's findings) and that they take clear notes on their research for their group's use. This lesson requires a minimum of 3-4 class periods.

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THE CODE OF HAMMURABI

As we know from the study of prehistoric times the development of written records is essential for the detailed study of the "history" of past societies and civilizations. In the case of Sumerian civilizations archaeologists and historians are fortunate to have a relative wealth of information to draw upon. This is a result of the system of writing which evolved in Sumeria known as cuneiform. The clay tablets upon which this writing was preserved has proved to be nearly indestructible. A wide variety of records have survived in this form with some being far more useful than others in reconstructing the lives of ancient Sumerians. One of the most famous of the documents to survive is the Code of Hammurabi.

Unlike many other early civilizations of the Middle East, such as the Egyptians who lacked a code of secular laws, Babylonia and Mesopotamia generally had many definite laws governing people's lives, public and private. During the seventeenth century B.C. King Hammurabi of Babylon decreed that these laws be compiled and systematically written down. The resulting collection or "code" of laws became the first such written set of laws known to man. The fact that these laws were written down carries a special significance in itself but the individual laws are also valuable historical evidence.

King Hammurabi explained in his "prologue" that he was the representative of the gods on earth commissioned "to promote the welfare of the people, cause justice to prevail in the land, destroy the wicked and the evil, that the strong might not oppress the weak." Clearly codification of all existing laws was designed to assist Hammurabi in his task. To historians each law provides some insight into the values, morals, and lifestyles of the people that populated Mesopotamia in ancient times. Many of the laws collected by Hammurabi dated back to much earlier times so that these "laws" are evidence about the many societies that developed and perished in that harsh and unforgiving area over centuries.

Your assignment is to work with the other members of your group to analyze the selection of laws from the *Code provided and collect information and evidence with which to answer the questions listed below. Each law in the handout is numbered. Use those numbers to organize evidence to support your conclusions for each of the eight questions. Each group member will share their research findings with the other members of their group. Each person will then write a paper summarizing their conclusions on all eight questions and supporting those statements with information/evidence from the laws themselves. Using the numbers of the laws should prove helpful in citing evidence and the teacher will assist with proper format, etc. The preliminary draft will be read by at least one other member of your group before a final draft is submitted for a grade.

*Excerpted from Eugene Weber, *The Western Tradition. Vol.I, From the Ancient World to Louis XIV.* 3rd Edition (D.C. Heath and Company: Lexington, Mass.) copyright 1972, pp. 15-20.

In your role as a historian, analyze the selection of laws taken from the **Code Of Hammurabi** for information to enable you to answer the following questions. In the paper that you write you will be expected to support your views with evidence drawn directly from the laws themselves.

- A. What value does the Code place upon honesty?

- B. What types of crops and animals did the Babylonians raise? Were these of equal importance or were some items more valuable?

- C. Was commerce (the buying and selling of goods) important to the Babylonians? Cite examples to support your conclusion.

- D. What type of economy did they have, barter or money?

- E. Describe the legal relationship between husband and wife. What does this tell you about the status of women?

- F. Under U.S. law all people are created and treated equally. Describe the situation under Babylonian law. Did gender, social class, or wealth play a part in Babylon's legal system?

- G. In what way did the Code attempt to make the punishment fit the crime? Cite several examples. Do you feel that their system was more effective than ours? Explain your answer.

- H. Historians consider Hammurabi's code to be especially important because it was the first known attempt to record laws in organized written form. Why was the decision to write the 282 laws down so significant for ancient Babylonians? (What benefit did the Code provide that previously was lacking?). Why do you think historians value the Code of Hammurabi so highly?

The Code of Hammurabi

1. If a man weave a spell and bring a charge of murder against another man and has not justified himself, the accuser shall be put to death.
2. If a man has put a spell upon another man, and has not justified himself, the one who is charged with sorcery shall go to the holy river, he shall plunge into the holy river, and if the holy river overcomes him, his accuser shall take his estate. If the holy river shows that man to be innocent and has saved him, he who charged him with sorcery shall be put to death and the man who plunged into the river shall take the estate of him who brought the charge against him.
8. If a man has stolen ox or sheep or ass or pig or ship, whether from the temple or from the palace, he shall pay thirtyfold; if he stole from a commoner, he shall render tenfold. If the thief cannot pay, he shall be put to death.
14. If a man has stolen the son of a freeman, he shall be put to death.
15. If a man has helped a male or female palace slave, or a commoner's male or female slave to escape out of the city gate, he shall be put to death.
16. If a man has harbored in his house a male or female slave fugitive from the palace or from a commoner, and has not produced them at the demand of the police, the owner of that house shall be put to death.
17. If a man has captured a fugitive male or female slave in the open country and driven him back to his master, the owner of the slave shall pay him two shekels of silver.
18. If that slave will not name his owner, he shall drive him to the palace and enquire into his record, and cause him to return to his owner.
19. If he keeps the slave in his house and afterwards the slave is seized in his possession, that man shall be put to death.
21. If a man has broken into a house he shall be killed before the breach and walled in it.
22. If a man has robbed and has been captured, that man shall be put to death.
23. If the robber has not been caught, the man who has been despoiled shall recount before the god what he has lost, and the city and governor in whose territory the robbery took place shall make good to him his loss.
24. If a life was lost, the city and governor shall pay one mina of silver to his people.

25. If a fire broke out in a man's house and a man who has come to extinguish the fire has lifted up his eyes to the property of the householder and has taken the property of the householder, that man shall be thrown into the fire.
26. if a soldier or a constable, ordered on an errand of the king, goes not or hires a hireling and sends him in his place, that soldier or constable shall be put to death and his hireling shall take his estate.
27. If a soldier or a constable disappears whilst on military service and they have given his field and his orchard to another and he has carried on his obligations, if he returns and regains his city, they shall restore his field and his orchard and he shall fulfill his obligations himself.
32. If a soldier or a constable has been captured while on the service of the king and has been ransomed by a merchant and enabled to regain his city, if in his house there is means for his ransom, then he shall ransom himself; if in his house there is no means for his ransom, he shall be ransomed from the temple of his city; if in the temple of his city there is not means for his ransom, the palace shall ransom him. His field, his orchard and house shall not be given for his ransom.
35. If a man has bought the cattle or sheep which the king has given to the soldier from the hand of the soldier, he shall be deprived of his money.
36. The field, orchard and house of a soldier, a constable or a tributary cannot be sold.
37. If a man has bought the field, orchard or house of a soldier, a constable or a tributary, his contract-tablet shall be broken and he shall forfeit his money. The field, orchard or house he shall return to its owner.
42. If a free man rents a field for cultivation, but does not produce grain in the field, . . . he shall give to the owner of the field as much grain as was produced on an adjoining field.
45. If a man has given his field for rent to a cultivator and has received the rent of his field, and afterwards a thunderstorm has ravaged the field or carried away the produce, the cultivator shall bear the loss.
48. If a man has a debt upon him and a thunderstorm ravaged his field or carried away the produce, or the corn has not grown for lack of water, in that year he shall make no return of corn to his creditor; he shall alter his contract-tablet and he shall not pay interest for that year.
53. If a man has neglected to strengthen the dyke of his canal, and a breach has opened in his dyke, and the waters have ravaged the meadow, the man in whose dyke the breach has been opened shall make good the corn that he caused to be lost.

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54. If he is not able to make good the corn, they shall sell him and his goods for money, and the farmers of the meadow whose corn the water carried away shall share it.
55. If a free man opens his canal for irrigation, but lets the waters ruin his neighbor's field, he shall give the neighbor as much grain as was produced on an adjoining field.
89. If a free man borrows money, but cannot pay it back in cash, the lender shall take grain instead of money.
104. If a merchant has lent a trader corn, wool, oil or any sort of goods to traffic with, the trader shall write down the price and pay it back; the trader shall take a sealed receipt of the price which he pays to the merchant.
105. If the trader has forgotten and has not taken a sealed receipt of the money he has given the merchant, money for which there is no sealed receipt shall not be put in his accounts.
106. If a trader has borrowed money from a merchant and then has disputed the fact, that merchant shall bring proof before god and witnesses concerning the money taken, and the trader shall give the merchant threefold the money he has borrowed.
107. If a merchant has wronged a trader and the trader has returned to the merchant whatever the merchant gave him, if the merchant disputed with the trader as to what the trader gave him, that trader shall bring proof before god and witnesses, and the merchant because he disputed the trader shall give the trader sixfold whatever he has taken.
108. If a wine merchant has not received corn as the price of drink, has received silver by the large weight and has made the price of drink less than the price of corn, they shall prove it against that wine merchant and throw her into the water.
109. If a wine merchant has collected outlaws in her house and has not seized those outlaws and driven them to the palace, that wine merchant shall be put to death.
110. If a nun, a lady of god, who is not living in a convent, has opened the door of a wine shop or entered the wine shop for a drink, that woman shall be burned.
115. If a man holds a debt of corn or money against another man and levies a distraint, if the pledge dies a natural death in the house of his distrainer, that case has no penalty.

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116. If the pledge has died in the house of his distrainer from blows or want, the owner of the pledge shall prove it against the merchant, and if it was the freeman's son who died, they shall put his son to death; and if it was a freeman's slave, he shall pay one third of a mina of silver and he shall lose whatever it was that he lent.
117. If a debt came due against a man, and he has given his wife, his son, his daughter for the money, or handed himself over to work off the debt, for three years they shall work in the house of their buyer or exploiter, in the fourth year they shall be set free.
122. If a man shall give silver, gold, or anything whatever to a man on deposit, whatever he gives he shall show to witnesses, arrange contracts, and give on deposit.
123. If he has given on deposit without witness and contract, and they deny receipt at the place of deposit, this case has no remedy.
124. If a man has given silver, gold, or anything whatever to a man on deposit before witnesses, and he has denied the fact, it shall be proved against that man and he shall pay double what he was to give.
125. If a man has given anything of his on deposit and where he gave it something of his has been lost along with something of the owner of the house, either by housebreaking or rebellion, the owner of the house who was careless shall make good the loss and shall seek out the lost property and take it from the thief.
126. If a man has lost nothing of his but has said that something of his is lost, since nothing of his is lost, the facts regarding this shall be recounted before god and whatever he has claimed he shall make up twofold and give to his loss.
127. If a man has caused the finger to be pointed against a nun or a man's wife, and has not justified himself, that man they shall throw down before the judge and brand his forehead.
128. If a man has married a wife and has not drawn up a contract, that woman is no wife.
129. If the wife of a man has been caught lying with another man, they shall bind them and throw them into the waters. If the owner of the wife would save his wife then in turn the king could save his servant.
130. If a man has forced the wife of a man, who has had no intercourse with a male and is dwelling in her father's house, and has lain in her bosom, and he has been caught, that man shall be killed, the woman will go free.

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131. If a wife has been accused by her husband and she has not been caught lying with another male, she shall swear by god and shall return to her house.
132. If a wife has the finger pointed at her on account of another male but has not been caught lying with another male, for the sake of her husband she shall throw herself into the holy river.
133. If a man has been taken captive and in his house there is maintenance, if his wife has gone out from her house and entered into the house of another, because that woman has not guarded her body and has entered the house of another, they shall prove it against that woman and throw her into the waters.
134. If a man has been taken captive and in his house there is no maintenance, and his wife has entered into the house of another, that woman has no blame.
135. If a man has been taken captive and in his house there is no maintenance, if his wife has entered the house of another and has borne children and afterwards her husband returns and regains his city, that woman shall return to her first husband, the children shall go after their father.
137. If a man has decided to put away his concubine who has borne him children or his wife who has granted him children, to that woman he shall return her marriage portion and shall give her half of the field, orchard and goods, and she shall bring up her children. From the time that her children are grown up, from whatever is given to her children they shall give her a share like that of one son, and she shall marry the husband of her choice.
138. If a man has put away his bride who has not borne him children, he shall return her dowry and pay her the marriage portion which she brought from her father's house, and shall put her away.
139. If there was no dowry, he shall give her one mina of silver for a divorce.
140. If he is a poor man, he shall give her one third of a mina of silver.
141. If the wife of a man who is living in the house of her husband has made up her mind to leave the house to engage in business and has acted the fool, neglecting the house and humiliating the husband, it shall be proved against her; and if her husband has said "I put her away," he shall put her away and she shall go her way, and he shall not give her anything for her divorce.
142. If a woman hates her husband and has said "You shall not possess me," they shall inquire into her record and if she has been economical and has no vice and her husband has gone out and greatly belittled her, that woman has no blame, she will take her marriage portion and go off to her father's house,

143. If she has not been economical, a gadabout, has neglected her house and humiliated her husband, that woman they shall throw into the waters.
153. If a man's wife has caused her husband to be killed on account of another man, they shall impale that woman on a stake.
154. If a man has known his daughter, that man shall be expelled from the city.
155. If a man has betrothed a bride to his son and his son has known her, and the man afterwards has lain in her bosom and they have caught him, that man they shall bind and throw into the water.
157. If a man, after his father, has lain in the bosom of his mother, they shall burn both of them together.
175. If either a palace slave or a private slave has married the daughter of a free man and she has borne children, the owner of the slave shall have no claim on the children of the daughter of a free man for servitude.
176. And if a palace slave or a private slave has married the daughter of a free man and when they married she entered his house with a dowry from her father's house and they set up a household and acquired property, after the palace slave or the private slave has gone to his fate the daughter of the free man shall take her dowry and whatever she and her husband have acquired shall be divided in two parts, and the owner of the slave shall take one half and the daughter of a free man shall take one half for her children. If she had no marriage portion, whatever her husband and she from the time they started have acquired shall be divided in two parts, half for the owner of the slave and half for her and her children.
188. If a member of the artisan class took a son as a foster child and has taught him his handicraft, the son may never be reclaimed by his parents.
195. If a man has struck his father, his hand shall be cut off.
196. If a man has caused the loss of a gentleman's eye, they shall cause him to lose one eye.
197. If he has shattered a gentleman's limb, they shall shatter his limb.
198. If he has caused a commoner to lose his eye or shattered a commoner's limb, he shall pay one mina of silver.
199. If he has caused the loss of an eye of a gentleman's servant or has shattered his limb, he shall pay half his price.

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200. If a man has made the tooth of a man that is his equal fall out, they shall make his tooth fall out.
201. If he has made the tooth of a commoner fall out, he shall pay one third of a mina of silver.
202. If a man has struck the cheek of his superior, he shall be struck in the assembly with 60 strokes of a cowhide whip.
203. If a man of gentle birth has struck a man of gentle birth who is his equal, he shall pay one mina of silver.
204. If a poor man has struck a poor man, he shall pay ten shekels of silver.
205. If a slave has struck a free man, they shall cut off his ear.
206. If a man has struck a man in a quarrel and wounded him, he shall swear "I did not strike him deliberately" and shall answer for the doctor.
207. If he has died of his blows, he shall swear as before and, if he be of gentle birth, he shall pay half a mina of silver.
209. If a man has struck a gentleman's daughter and caused her to have a miscarriage, he shall pay ten shekels of silver for what was in her womb.
210. If that woman has died, they shall put to death his daughter.
211. If by his blows he has caused the daughter of a commoner to have a miscarriage, he shall pay five shekels of silver.
212. If that woman has died, he shall pay half a mina of silver.
213. If he has struck a gentleman's slave and caused a miscarriage, he shall pay two shekels of silver.
214. If that slave has died, he shall pay one third of a mina of silver.
215. If a doctor has treated a gentleman for a severe wound, with a bronze lancet and has cured him, or has opened an abscess of the eye for a gentleman with the bronze lancet and has cured the eye of the gentleman, he shall take ten shekels of silver.
218. If the doctor has treated a gentleman for a severe wound with a lancet of bronze and has caused the gentleman to die or has opened an abscess of the eye of a gentleman with the bronze lancet and has caused the loss of the gentleman's eye, they shall cut off his hands.

219. If the doctor has treated the severe wound of commoner's slave and has caused his death, he shall render slave for slave.
221. If a physician has set a free man's bone, he shall receive five shekels of silver.
222. If a physician sets a commoner's bone, he shall receive three shekels.
223. If a physician sets the bones of a free man's slave, the owner shall give the physician two shekels.
226. If a brander has branded a slave with an indelible mark or has cut off the mark of a slave not his own without the owner's consent, they shall cut off his hands.
227. If a man has deceived the brander and has caused him to brand or cut off the mark of a slave not his own, that man shall be killed and immured in his own house, the brander shall swear "I did it unknowingly" and shall go free.
229. If a builder has built a house and not made his work strong and the house he built has fallen and so has caused the death of the owner of the house, that builder shall be put to death.
230. If he has caused the son of the owner of the house to die, they shall put to death the son of the builder.
231. If he has caused the slave of the owner of the house to die, he shall give slave for slave to the owner of the house.
232. If he has caused the loss of goods, he shall restore whatever losses he has caused, and because he did not make strong the house he built and it fell, he shall rebuild the house that fell at his own cost.
233. If a builder has built a house for a man and has not jointed his work, and the wall has fallen, that builder shall repair that wall at his own cost.
244. If a man has hired an ox or a sheep and a lion has killed it in the open field, that loss is for its owner.
245. If a man has hired an ox and caused it to die through neglect or by blows, he shall render ox for ox to the owner of the ox.
248. If a man has hired an ox and has crushed its horn, cut off its tail, or pierced its nostrils, he shall pay a quarter of its price.
249. If a man has hired an ox and god has struck it and it has died, that man shall swear before god and shall go free.

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250. If a wild bull in his charge has gored a man, and caused him to die, that case has no remedy.

251. If a man's ox was inclined to gore and it was made known to him that this was so and he took no steps to tie him up or blunt his horns, and that ox has gored a man and caused him to die, he shall pay half a mina of silver for a gentleman, one third of a mina for a slave.

282. If a slave has said to his master "You are not my master," his master shall prove him to be his slave and his master shall cut off his ear.

From *The Oldest Code of Laws in the World*, tr. C.H.W. Johns, Edinburgh, 1903.

From *The Shaping of Western Society*, Edwin Fenton and John M. Good (Holt, Rinehart & Winston, 1968)

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